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3-31-04

MP



IN THE UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Applicant Under 37 Omnicare, Inc.
C.F.R. § 1.47(b):

Examiner N/A

Inventor: Ralph F. Kalies

Filed: 10/08/2003 Art Unit: 3626

Serial No: 10/681,954 Docket No. 036806.00431

For: METHOD FOR STORING AND REPORTING PHARMACY DATA

Mail Stop Missing Parts
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF ATTORNEY JAMES R. ELEY IN SUPPORT OF FILING
ON BEHALF OF INVENTOR REFUSING TO SIGN (37 C.F.R. §1.47(b))**

This Declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney by Ralph F. Kalies, the inventor refusing to sign for the above-identified patent application. I have first-hand knowledge of the facts recited herein.

During a meeting, on or about January 10, 2004, with Ralph F. Kalies, he indicated that he had been advised by his attorney that he need not sign the declaration for the above-identified patent application. Ralph F. Kalies then affirmed that he would not sign the declaration.

I hereby declare that all statements made herein on my own knowledge are true and that all statements were made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted:

Date: March 26, 2004

By: 
James R. Eley, Esq. Reg. No. 36,790
Thompson Hine LLP
10 W. Broad St., Suite 700
Columbus, OH 43215-3435
Phone: 614/469-3228
Fax: 614/469-3361



Docket No. 036806.00431

DECLARATION UNDER 37 CFR §1.63

As attorney of record for the Assignee, Omnicare, Inc., I hereby declare that:

The name, residence, post office address and citizenship of the inventor are as follows:

Name of Sole Inventor : Ralph F. Kalies
Residence : 5770 Kumbier Road, Picket, Wisconsin, 54964
Citizenship : U.S.A.
Post Office Address : 5770 Kumbier Road, Picket, Wisconsin, 54964

I verily believe that Ralph F. Kalies is the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

METHOD FOR STORING AND REPORTING PHARMACY DATA

described and claimed

 in the attached specification;
X in the specification filed October 8, 2003,
as U.S. Application No. 10/681,954,
and as amended _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application(s)</u>	<u>Priority Claimed</u>
-------------------------------------	-------------------------

number	Country	Day/Mo/Yr	Yes	No
number	Country	Day/Mo/Yr	Yes	No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/417,056	October 8, 2002
Application No.	Filing Date

Application No.	Filing Date
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
------------------------	-------------	--------

Application Serial No.	Filing Date	Status
------------------------	-------------	--------

Send Correspondence To: Michael A. Forhan
Thompson Hine LLP
2000 Courthouse Plaza N.E.
10 West Second Street
Dayton, Ohio 45402-1758

Direct Telephone Calls To: Michael A. Forhan
(937) 443-6847

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3-30-2004



Michael A. Forhan
Reg. No. 46,706
Attorney of Record of Assignee, Omnicare, Inc.

#335185



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant(s) : Ralph F. Kalies
Appln. No. : 10/681,954
Filed : October 8, 2003
Title : METHOD FOR STORING AND REPORTING PHARMACY DATA
Art Unit : 3626
Docket No. : 036806-431

Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

POWER OF ATTORNEY

All right, title, and interest in the above-identified patent application has been assigned to Omnicare, Inc., from the inventor, Ralph F. Kalies, by virtue of the Assignment recorded with the U.S. Patent and Trademark Office on March 4, 2004 at Reel 014396 / Frame 0348 (copy attached).

The undersigned, as Vice President of Omnicare, Inc., has reviewed the evidentiary documents for the above-identified patent application and hereby certifies that to the best of his knowledge and belief, all right, title, and interest in and to the above-identified application is in the name of Omnicare, Inc., the party seeking to take this action.

On behalf of Assignee and owner of the above-identified U.S. patent application, by assignment, Omnicare, Inc. hereby appoints:

Mark P. Levy	Reg. No. 27,922
Theodore D. Lienesch	Reg. No. 28,235
Douglas E. Erickson	Reg. No. 29,530
Michael A. Forhan	Reg. No. 46,706
Michael J. Nieberding	Reg. No. 39,316
Steven J. Elleman	Reg. No. 41,733
John F. Kane	Reg. No. 44,815
Rose Ann Dabek	Reg. No. 28,064
Jeffrey C. Metzcar	Reg. No. 52,027
Rodney M. Young	Reg. No. 40,882
Victor J. Wasylyna	Reg. No. 52,345

as its attorneys with full power of substitution and revocation, to transact all business in the U.S. Patent and Trademark Office connected therewith.

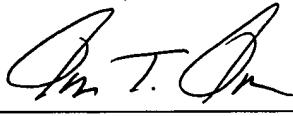
Address all correspondence and telephone calls to:

Michael A. Forhan, Esq.
Thompson Hine, LLP
2000 Courthouse Plaza NE
10 W. Second Street
Dayton, Ohio 45402-1758
Telephone: (937) 443-6847
Facsimile: (937) 443-6635

I, Regis T. Robbins declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

OMNICARE, INC.

Date: 3/19/04

By: 

Regis T. Robbins
Vice President

#333403



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



MARCH 08, 2004

PTAS

700069922A

THOMPSON HINE LLP
MICHAEL A. FORHAN
10 WEST SECOND STREET
2000 COURTHOUSE PLAZA NE
DAYTON, OH 45402

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/2004

REEL/FRAME: 014396/0348
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:
KALIES, RALPH F.

DOC DATE: 10/14/2002

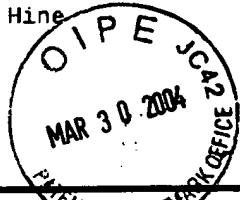
ASSIGNEE:
OMNICARE, INC.
100 EAST RIVERCENTER BLVD.
1600 RIVERCENTER II
COVINGTON, KENTUCKY 41011

SERIAL NUMBER: 10681954
PATENT NUMBER:

FILING DATE: 10/08/2003
ISSUE DATE:

014396/0348 PAGE 2

VIOLET MCCOY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

03/04/2004
700069922

Docket No. 036806-431

Form PTO-1595
(Rev. 03/01)
OMB No. 0551-0027 (exp. 5/31/2002)RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Tab settings: ⇡ ⇢ ⇢

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Ralph P. Kalies

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other _____

Execution Date: October 14, 2002

2. Name and address of receiving party(ies):

Name: Omnicare, Inc.

Internal Address: _____

Street Address: 1600 RiverCenter II

100 East RiverCenter Blvd.

City: Covington State: KY Zip: 41011

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/681,954

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Michael A. Forhan

Internal Address: Thompson Hine LLP

2000 Courthouse Plaza NE

Street Address: 10 West Second Street

City: Dayton State: OH Zip: 45402

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)..... \$ 40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

20-0809

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Michael A. Forhan, Reg. 46,706

Name of Person Signing

Signature

3-32001

Date

Total number of pages including cover sheet, attachments, and documents: 3Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

G-14-54000-200091-00001-954

**Assignment of Rights in Invention
(Sole inventor; single assignee)**

Docket No.
036806.00431

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:
METHOD FOR STORING & REPORTING PHARMACY DATA*

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of ONE dollars (\$1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;

Assignment of Rights in Invention
(Sole inventor; single assignee)

Docket No.
 036806.00431

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.

Executed this 14 day of Oct, in the year 2002
 at Cincinnati



(Signature of Inventor)

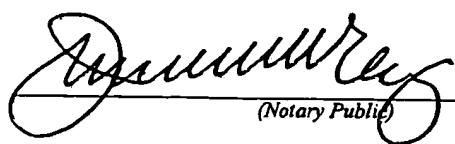
State of Ohio

County of Hamilton

Before me personally appeared Ralph F. Kalies
 who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
 execute the same this 14th day of October, in the year 2002.



JAMES R. ELEY, Attorney At Law
 NOTARY PUBLIC, STATE OF OHIO
 My commission has no expiration date.
 Section 147.03 R.C.



(Notary Public)